

MEMORANDUM

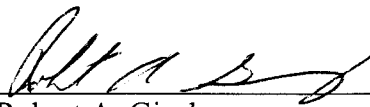
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AGENDA ITEM NO. 3(B)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** October 14, 2003

FROM: Robert A. Ginsburg
County Attorney **SUBJECT:** Ordinance amending
Section 33-15 pertaining
to junkyards

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D **DATE:**
and Members, Board of County Commissioners

FROM: George M. Burgess
County Manager

A handwritten signature in black ink, which appears to read "Burgess", is written over the printed name of George M. Burgess.

SUBJECT: Ordinance amending Section 33-15
pertaining to junkyards

This proposed ordinance pertaining to junkyards and abandoned property will have no fiscal impact on Miami-Dade County.

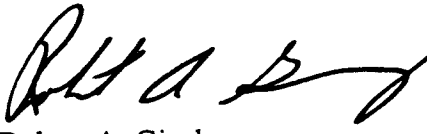


MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 23, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(R)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13(R)
9-23-03

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 33-15, CODE OF MIAMI-DADE COUNTY, PERTAINING TO JUNKYARDS; AMENDING SECTION 33-15.1, CODE OF MIAMI-DADE COUNTY, PERTAINING TO ABANDONED PROPERTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-15, Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-15. Junkyards; depositing junk; characteristics of junk property; and repair of automobiles in residential districts.

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(c) When evaluating property to make a determination as to whether articles deposited in any location other than a legally established junkyard constitute junk or trash, the Department shall consider the following:

(1) Whether the article has only nominal salvage value;

(2) Whether the article is not in sufficient repair to perform its intended function; provided, however, that any motor vehicle which is at least twenty (20) years old and is licensed as an antique vehicle by the State of Florida as evidenced by a current license tag, decal or registration shall not be deemed to be included within the definition of junk property;

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

In making evaluations under (c)(2), the Director or his designated representative may require the owner to demonstrate the operability of this article;

(3) Whether the article is derelict and has been left unprotected as evidenced by growth of vegetation about the article, direct exposure to the elements, positioning of the article in other than an upright or operable manner, or vandalism. With respect to a motor vehicle, evidence under this subsection shall include removed or flat tires, partial or complete dismantling or removal of parts, broken glass, missing major parts, broken glass, missing major parts such as lights, doors, hoods or motor parts essential for the lawful, safe operation of the vehicle >>,<< ~~[[or]]~~ other signs of deterioration >>, or evidence that one or more tires has been raised from the ground on jacks, blocks, lifts or other structures;<<

(4) Whether the article lacks a current license tag, and/or decal and/or registration; and

(5) ~~[[The length of time the article has remained in its present location and position.]]~~ >>Evidence that the article has not moved from its present location and position and no repair activity has taken place over a 72 hour period.<<

(d) Junk property which would be visible, at ground level, from a street or other public or private property but for the concealment of such junk property behind a wall, fence, hedge or other plant material or by the use of >>a vehicle cover,<< plastics, fabrics or other materials to form a tent, curtain partition or similar makeshift structure or device, shall be subject to the same restriction that is applicable to junk property which is visible.

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>>(f) Storage on residential property.

(1) Residentially-zoned land shall not be used for the storage of building materials or construction equipment except during active construction on the plot where the materials or equipment are located, and provided that a valid permit is in effect for the construction project, and the materials and equipment stored on the plot are necessary for the permitted construction project.

(2) The open air storage of any item is prohibited in residential zoning districts with the exception of usable lawn, garden or pool furniture or equipment, barbecues, toys, bicycles, or trash cans being used by the residents of the dwelling on the plot where such items are stored. Swingsets and other non-portable structures must be in side or rear setback and meet all zoning code restrictions.

(3) The open air storage of junk, debris, junk vehicles or vessels, or any other item which is not specified in section 33-15(f)(2), on residential property shall be subject to removal as Junk and Abandoned Property.

(4) Open air storage shall include any articles not concealed from public view in an enclosed structure such as a garage or utility shed. Placement of an article under a car port or front porch, where it is visible from the street or public right-of-way shall be considered open air storage.<<

Section 2. 3-15.1, Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-15.1. Abandoned property.

(A) Definitions. As used in this section "abandoned property" means any article of personalty which lacks evidence of ownership. The following criteria shall be considered:

(1) The condition of the property:

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(b) Whether it is in sufficient repair able to perform its intended function and [purpose. For purposes of this subsection, examples of property in insufficient repair, unable to perform its intended function,] shall include derelict, inoperable, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing and drying machines, plumbing fixtures, or any other similar article. With respect to a motor vehicle, evidence under this subsection shall include absence of a current license tag, decal, >>and registration<< or inspection decal.

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(3) Evidence of being derelict and left for junk. With respect to a motor vehicle, evidence under this subsection shall include removed or flat tires, partial or complete dismantling or removal of parts, broken glass, missing major parts such as lights, doors, trunk covers, hoods, or motor parts essential for the lawful, safe operation of the vehicle, ~~[[or]]~~ other signs of substantial deterioration >>, or evidence that one or more tires has been raised from the ground on jacks, blocks, lifts or other structures<<.

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(5) ~~[[The length of time the personalty has remained in its present location.]]~~ >>Evidence that the personalty has not moved from its present location over a 72 hour period.<<

All of the above criteria which are relevant to the particular personalty shall be considered in determining whether the property is abandoned, no one (1) criterion being conclusive.

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Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. This ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RA6

Prepared by:

JM

John McInnis

Sponsored by Senator Javier D. Souto